

**HOFLAND & TOMSHECK**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP ALLERSON VAUGHN

Defendant

Case No.: 2:15-cr-00078-JAD-NJK

STIPULATION AND ORDER TO  
CONTINUE SENTENCING DATE,  
(ELEVENTH REQUEST)

IT IS HEREBY STIPULATED, by and between the UNITED STATES OF AMERICA, by and through Steven Myhre, Acting United States Attorney, Dan Cowhig, Assistant United States Attorney, and Kathryn C. Newman, Assistant United States Attorney, and defendant, PHILLIP ALLERSON VAUGHN, by and through his attorney, Joshua Tomsheck, Esq., of the law firm of Hofland & Tomsheck, that the sentencing date in the above-captioned matter now scheduled for January 2, 2018 vacated and continued to a date and time convenient to the Court, no sooner than thirty (30) days beyond the current setting, in order for the Parties to have sufficient time to prepare for sentencing in this matter.

This is the ELEVENTH request by the undersigned defense counsel for a continuance of the scheduled sentencing date, is made in good faith and not for the purpose of delay and comports with the good cause requirements of Fed. R. Crim.

1 P. 32(b)(2).

- 2 1. Counsel for the Defendant is appointed CJA counsel.
- 3 2. This is the eleventh request for continuance.
- 4 3. Counsel for the Defendant will be out of the jurisdiction on the current  
5 scheduled date.
- 6 4. Denial of this request for continuance would deny the parties herein  
7 time and the opportunity to effectively and thoroughly prepare for the  
8 sentencing hearing, taking into account the exercise of due diligence.
- 9 5. Additionally, denial of this request for continuance could result in a  
10 miscarriage of justice.
- 11 6. For all of the above-stated reasons, the ends of justice would best be  
12 served by a continuance of the sentencing date.

13  
14 **STEVEN MYHRE**  
15 United States Attorney

**HOFLAND & TOMSHECK**

16  
17 /s/ D. Cowhig  
18 **DAN COWHIG**  
Assistant United States Attorney

/s/ J. Tomsheck  
**JOSHUA TOMSHECK, ESQ**  
Counsel for Defendant

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v

6 PHILLIP ALLERSON VAUGHN

7 Defendant  
8

Case No.: 2:15-cr-00078-JAD-NJK

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER

9 Based upon the pending Stipulation of the parties, and good cause appearing  
10 therefore, the Court finds that:

11 The parties have stipulated to continue the sentencing hearing date as  
12 presently scheduled.

13 This Court, being convinced that adequate showing has been made that  
14 were this request for continuance to be denied, counsel would not have the  
15 necessary time to effectively prepare for the sentencing hearing, taking into account  
16 the exercise of due diligence, and a miscarriage of justice could result, based on the  
17 following:

- 18 1. Counsel for the Defendant is appointed CJA counsel.
- 19 2. This is the eleventh request for continuance.
- 20 3. Counsel for the Defendant will be out of the jurisdiction on the current  
21 scheduled date.
- 22 4. Denial of this request for continuance would deny the parties herein  
23 time and the opportunity to effectively and thoroughly prepare for the sentencing  
24 hearing, taking into account the exercise of due diligence.
- 25 5. Additionally, denial of this request for continuance could result in a  
26 miscarriage of justice.
- 27 6. For all of the above-stated reasons, the ends of justice would best be  
28 served by a continuance of the sentencing date.

**ORDER**

IT IS HEREBY **ORDERED**, that the sentencing hearing currently scheduled for January 2, 2018, be vacated and continued to February 13, 2018, at the hour of 10:00 a.m.

DATED this 28th day of December, 2017.

  
\_\_\_\_\_  
United States District Court Judge